

Message Text

CONFIDENTIAL

PAGE 01 BANGKO 05752 051341Z

60

ACTION EA-10

INFO OCT-01 ISO-00 CIAE-00 PM-03 H-02 INR-07 L-02 NSAE-00

NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06 /055 W

----- 007680

R 051000Z APR 75

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC 2369

INFO AMCONSUL UDORN

13TH AF ADVON UDORN RH

7TH RRFs RAMASUN STA TH

SECDEF WASH DC

DIRNSA

JCS WASH DC

C O N F I D E N T I A L BANGKOK 5752

E.O. 11652: GDS

TAGS: MARK, TH

SUBJ: RAMASUN GATE INCIDENT SITREP

REF: A. UDORN 33; B. BANGKOK 2002; C. BANGKOK 2362

SUMMARY: MR. LUACHAI, WHOSE IMPROPER ARREST PROVOKED THE INITIAL DEMONSTRATIONS AT RAMASU STATION AND THE UDORN CONSULATE, HAS TAKEN PRIVATE LEGAL ACTION AGAINST THE FOUR ARRESTING MILITARY POLICEMEN. FURTHERMORE, HE HAS REFUSED TO AGREE TO A REASONABLE COMPROMISE SETTLEMENT OF THAT ACTION. ON FRIDAY APRIL 4, UDORN POLICE ATTEMPTED TO ARREST THOSE FOUR SERVICEMEN; HOWEVER, THEY WERE UNABLE TO SERVE THE ARREST WARRANTS. EVEN THOUGH RAISING THE DIPLOMATIC IMMUNITY STATUS OF THE MILITARY POLICEMEN SUBSTANTIATES ONE OF THE DEMONSTRATORS' COMPLAINTS, CIRCUMSTANCES PRECLUDE DELAYING SUCH ACTION ANY LONGER. GENERAL KRIANGSAK UNDERSTANDS THAT WE DO NOT HAVE ANY OTHER OPTIONS AVAILABLE AND CONCURS IN THIS COURSE OF ACTION.

END SUMMARY

1. IN MED-FEBRUARY, MR. LUACHAI INITIATED A PRIVATE CRIMINAL ACTION AGAINST THE FOUR MILITARY POLICEMEN CHARGING THEM WITH

CONFIDENTIAL

CONFIDENTIAL

PAGE 02 BANGKO 05752 051341Z

DEPRIVING HIM OF HIS LIBERTY (FALSE ARREST), ASSAULT RESULTING IN

PERSONAL INJURY, AND DAMAGE TO PRIVATE PROPERTY (HIS AUTOMOBILE) BECAUSE OF HIS EXPRESSED BELIEF THAT THE PROVINCIAL POLICE WOULD NOT PURSUE THE OFFICIAL COMPLAINT. IN ACCORDANCE WITH THAI PROCEDURES, THE FOUR MILITARY POLICEMEN WERE INVITED TO ATTEND A HEARING (THEY DID NOT APPEAR) ON MR. LUACHAI'S PRIVATE COMPLAINT TO DETERMINE IF HE HAD SUFFICIENT EVIDENCE TO PROVE A PRIMA FACIE CASE. THE INITIAL HEARING, SET FOR 27 FEBRUARY, WAS POSTPONED WHEN MR. LUACHAI'S ATTORNEY WAS UNABLE TO ATTEND BECAUSE OF A SCHEDULE CONFLICT.

2. AT THE POSTPONED HEARING ON 26 MARCH, NONE OF THE MILITARY POLICEMEN WERE PRESENT, NOR WAS THE USG REPRESENTED. THE COURT, HOWEVER, WAS SATISFIED THAT MR. LUACHAI HAD A PRIMA FACIE CASE, AND GAVE HIM SEVEN DAYS TO SERVE SUMMONS ON THE MILITARY POLICEMEN REQUIRING THEIR ATTENDANCE ON APRIL 16 FOR THE TRIAL. THE COURT ORDER FURTHER PROVIDED THAT IF THE SUMMONS COULD NOT BE SERVED, MR. LUACHAI SHOULD SO ADVISE THE COURT WITHIN THREE DAYS AFTER THE EXPIRATION OF THE SEVEN DAY PERIOD, AND THAT THE COURT WOULD MAKE OTHER ARRANGEMENTS, I.E., EITHER ISSUE BENCH WARRANTS FOR THE ARREST OF THE FOUR OR EFFECT SERVICE BY POSTING THE SUMMONS ON THE GATE OF RAMASUN STATION.

3. BETWEEN THE INITIATION OF THE PRIVATE CRIMINAL COMPLAINT AND THE DATE OF THE HEARING, 26 MARCH, THAI ATTORNEYS EMPLOYED BY MACTHAI HAVE MET WITH MR. LUACHAI'S ATTORNEY ON SEVERAL OCCASIONS IN AN ATTEMPT TO NEGOTIATE A COMPROMISE SETTLEMENT. MR. LUACHAI, HOWEVER, HAS NOT BEEN AMENABLE TO COMPROMISE AND HAS REMAINED FIRM IN HIS DEMAND FOR B200,000, AT LEAST TEN (10) TIMES MORE THAN THE VALUE OF THE INJURIES HE SUSTAINED BY THAI STANDARDS. ADDITIONALLY, HE WILL NOT CONCEDE THE VALIDITY OF ANY EMPLOYMENT TERMINATION ACTION, DEMANDING INSTEAD, THE PAYMENT OF SEVERANCE PAY AND BACK PAY FOR THE DURATION OF HIS SUSPENSION AT A MINIMUM (APPROXIMATELY B50,000 ADDITIONAL). AT THE LAST NEGOTIATION SESSION ON 28 MARCH, SHORTLY AFTER MR. LUACHAI RECEIVED FORMAL NOTICE OF HIS TERMINATION AND ADVICE AS TO HIS RIGHT TO APPEAL WITHIN 14 DAYS, HE RESTATED HIS B250,000 DEMAND AND HIS INTENTION TO FIGHT THE TERMINATION. HE MAINTAINED THIS POSITION THOUGH HE AND HIS ATTORNEY WERE ALSO GIVEN SOME BROAD HINTS ON THE IMMUNITY STATUS OF THE FOUR MILITARY POLICEMEN. THE ATTORNEY PUBLICLY QUESTIONED SUCH STATUS AND INDICATED THAT HE WOULD DO SO NATIONWIDE IN THE PRESS.

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 BANGKO 05752 051341Z

4. PREVIOUSLY, THE CHIEF JUDGE OF THE PROVINCIAL COURT HAD BEEN INFORMALLY ADVISED OF THE IMMUNITY STATUS OF THE FOUR MILITARY POLICEMEN, AND INDICATED THAT IF VERIFIED, THE CHARGES WOULD HAVE TO BE QUASHED. HOWEVER, REALIZING THAT FORMALLY RAISING THIS ISSUE WOULD SUBSTANTIATE ONE OF THE COMPLAINTS OF THE UDORN ACTIVISTS, FOLLOWING THAT COURSE WAS DELAYED IN THE HOPE THAT A COMPROMISE SETTLEMENT WOULD OBTAIN THE NEED TO DO SO. MR. LUACHAI'S INTRAN-

SIGENCE AND THE INEXORABLE PROGRESS OF THE COURT ACTION, HOWEVER, ELIMINATED THIS POSSIBILITY.

5. ON FRIDAY, 4 APRIL, THE ADCM ADVISED GENERAL KRIANGSAK OF THE POSITION AND TOLD HIM THAT WE COULD SEE NO OTHER AVAILABLE OPTION BUT TO FORMALLY ASSERT THE DIPLOMATIC IMMUNITY STATUS OF THE FOUR MILITARY POLICEMEN. KRIANGSAK WAS ALSO ADVISED THAT IF THIS RPOVOKED FURTHER DEMONSTRATIONS IN UDORN, WE WOULD EXPECT THE THAI AUTHORITIES TO PROTECT OUR INSTALLATIONS, INCLUDING THE CONSULATE. GENERAL KRIANGSAK INDICATED THAT HE UNDERSTOOD THE SITUATION AND AGREED TO OUR FORMALLY REQUESTING VERIFICATION OF THE STATUS OF THE RAMASUN PERSONNEL. AMCONSUL UDORN SUBSEQUENTLY BRIEFED THE GOVERNOR ON THE SCENARIO AND ON THE POSSIBLE NEED FOR PROTECTION.

6. LATER ON THE SAME DAY THE UDORN POLICE ARRIVED AT RAMASUN TO DUSCUSS THE LUACHAI CASE. INITIALLY THE POLICE SAID THEY HAD COME AT THE REQUEST OF THE COURT TO OBTAIN FINGERPRINTS OF THE FOUR SERVICEMEN IN ORDER TO COMPLETE THEIR INVESTIGATION. LATER IN THE CONVERSATION, HOWEVER, THE POLICE ADMITTED THAT THEY HAD ARREST WARRANTS WITH THEM AND WERE UNDER INSTRUCTIONS FROM THE COURT TO ARREST THE MEN. RAMASUN OFFICIALS EXPLAINED THAT THEY WERE UNDER INSTRUCTIONS FROM BANGKOK NOT TO TURN OVER THE FOUR INDIVIDUALS AND THAT THE EMBASSY WAS IN TOUCH WITH RTG AUTHORITIES IN BANGKOK TO RESOLVE THE MATTER. THIS PACIFIED THE POLICE; HOWEVER, IN ORDER TO SATISFY THE COURT THAT THEY HAD TRIED TO CARRY OUT THEIR INSTRUCTIONS, THEY ASKED RAMASUN OFFICIALS TO SIGN A NOTE TO THE EFFECT THAT THE POLICE HAD ATTEMPTED TO SERVE THE WARRANTS BUT WERE UNSUCCESSFUL FOR THE REASONS CITED ABOVE. THIS WAS DONE AND THE POLICE DEPARTED.

7. THE MORNING OF APRIL 5 LETTERS STATING THAT THE FOUR INDIVIDUALS INVOLVED HAD DIPLOMATIC IMMUNITY WERE DELIVERED TO THE UDORN POLICE AND THE COURT IN UDORN BY INSTRUCTION OF THE EMBASSY. AT THE SAME
CONFIDENTIAL

CONFIDENTIAL

PAGE 04 BANGKO 05752 051341Z

TIME, A REQUEST FOR VERIFICATION OF THEIR DIPLOMATIC IMMUNITY STATUS THROUGH THE MINISTRY OF FOREIGN AFFAIRS (MFA) WAS DELIVERED TO SUPREME COMMAND IN BANGKOK. THIS WILL BE FOLLOWED UP WITH MFA IN THE BEGINNING OF NEXT WEEK. THE INDIVIDUALS WILL BE FLOWN TODAY (APRIL 5) FROM UDORN TO UTAPAO WHERE THEY WILL REMAIN UNTIL THE RTG VERIFIES THEIR IMMUNE STATUS TO THE THAI AUTHORITIES IN UDORN.

8. LOCAL ACTIVISTS COULD SEIZE UPON THE ASSERTION OF DIPLOMATIC IMMUNITY AND REMOVAL OF THE SOLDIERS AND ATTEMPT TO ORGANIZE ANTI-AMERICAN DEMONSTRATIONS IN UDORN. ALTHOUGH WE HAVE RECENTLY HAD ASSURANCES FROM THE GOVERNOR THAT HE WILL PROTECT OUR INSTALLATIONS, INCLUDING THE CONSULATE, IT REMAINS TO BE SEEN HOW EFFECTIVE SUCH PROTECTION WILL BE.

MASTERS

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PUBLIC DEMONSTRATIONS, RAMASUN STATION, MILITARY BASES, ARRESTS
Control Number: n/a
Copy: SINGLE
Draft Date: 05 APR 1975
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: GolinoFR
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BANGKO005752
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750119-0124
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750478/aaaactmh.tel
Line Count: 168
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 UDORN 33, 75 BANGKOK 2002, 75 BANGKOK 2362
Review Action: RELEASED, APPROVED
Review Authority: GolinoFR
Review Comment: n/a
Review Content Flags:
Review Date: 23 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <23 JUL 2003 by CunninFX>; APPROVED <24 JUL 2003 by GolinoFR>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: RAMASUN GATE INCIDENT SITREP
TAGS: MARR, TH, US, (LUACHAI)
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006